



06-06-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #39

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

SAKATA RICE SNACKS AUSTRALIA PTY  
LTD.

Opposer,

v.

SESMARK FOODS INC./TERRA HARVEST  
FOODS INC.

Applicant.

Opposition No. 124,245

Opposed Mark: SAKATA  
Application Serial No. 78/032,358  
Filed: October 25, 2000  
Published: August 28, 2001

Commissioner for Trademarks  
Box TTAB – NO FEE  
2900 Crystal Drive  
South Tower Building, Ninth Floor  
Arlington, Virginia 22202-3514

**NOTICE OF APPEAL AND CIVIL ACTION**

Opposer, Sakata Rice Snacks Australia Pty Ltd., by its attorneys, hereby files its Notice of Appeal and Civil Action pursuant to 37 CFR § 2.145(c)(4). Opposer has instituted its appeal and civil action pursuant to 15 U.S.C. § 1071(b) in this matter in the United States District Court for the Western District of Washington, Cause No. C03-1240C.

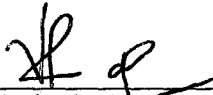
NOTICE OF APPEAL AND CIVIL ACTION - 1  
Express Mail Label No. EL010140807US  
SEADOCs:154559. 1

DATED this 5th day of June, 2003.

Respectfully submitted,

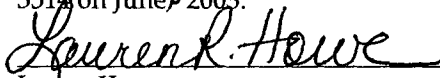
MILLER NASH LLP

By:

  
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**CERTIFICATE OF MAILING**

I, Lauren Howe, hereby certify that this NOTICE OF APPEAL AND CIVIL ACTION is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Trademarks, BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on June 5<sup>th</sup> 2003.

  
Lauren Howe

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June 5, 2003

**VIA EXPRESS MAIL**

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06-06-2003

U.S. Patent & TMOfr/TM Mail Rcpt Dt. #

Subject: U.S. Trademark Application Serial No. 78/032,358 – SAKATA  
Sakata Rice Snacks Australia Pty Ltd  
v. Sesmark Foods Inc./Terra Harvest Foods Inc.  
Opposition No. 124425  
Our Reference: 202360-0001


Dear Sir or Madam:

On behalf of Sakata Rice Snacks USA Inc., enclosed are the following:

1. Original Notice of Appeal and Civil Action;
2. Duplicate Notice of Appeal; and
3. A postcard to acknowledge receipt.

Any fees should be charged to deposit account 13-3571 (referencing matter 202360-0001). All correspondence in this matter should be directed to the undersigned.

Very truly yours,

  
Valerie du Laney

I, Lauren Howe, hereby certify that this NOTICE OF APPEAL AND CIVIL ACTION is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Trademarks, BOX TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3514 on June, 5<sup>th</sup> 2003.



Lauren Howe  
File No.: 202360-0001  
Doc ID: SEADOCS:154679.1